

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2007- 13

AN ORDINANCE ANNEXING 1.74 ACRES, APPROVING THE GOODLETT ANNEXATION (ZCA³⁸⁸⁷~~2006~~-00002) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on June 12, 2007, to consider the annexation of one (1) parcel (Washington County Tax Map 2S110BC, Tax Lot 1201) of land located along SW Bull Mountain Road, including right-of-way on SW Bull Mountain Road, and withdrawal of said property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Tigard Water District for certain debt obligations, however, in this instance the Tigard Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on June 12, 2007; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcel described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit "D" and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2008.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 12th day of June, 2007.

Catherine Wheatley
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 12th day of June, 2007.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:

June H. V. Rames
City Attorney

June 12, 2007
Date

HARRIS - McMONAGLE ASSOCIATES INC.**ENGINEERS - SURVEYORS**

12555 SW HALL BLVD.

TIGARD OREGON, 97223

TEL. (503) 639-3453 FAX. (503) 639-1232

**LEGAL DESCRIPTION
FOR
ANNEXATION TO THE CITY OF TIGARD
COMPRISED OF TAX LOT 1201 TAX MAP 2S-1-10 BC**

January 5, 2007

THE FOLLOWING DESCRIBED TRACT OF LAND BEING COMPRISED OF THAT LAND DESCRIBED IN DEED DOCUMENT NO. 96-108714 AND, BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2-SOUTH, RANGE 1-WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

BEGINNING AT THE NORTHEAST CORNER OF LOT 9 OF THE DULY RECORDED PLAT OF THORNWOOD; THENCE ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 9, N 00°18'25" E 33.07 FEET TO THE CENTERLINE OF SW BULL MOUNTAIN ROAD (C.R. A-147-1/2); THENCE ALONG CENTERLINE N 86°38'31" E 219.36 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THAT LAND AS DESCRIBED IN DEED DOCUMENT NO. 94-112586; THENCE ALONG LAST SAID EXTENSION AND THE EAST LINE OF DEED DOCUMENT NO. 94-112586, S 00°29'28" W 370.71 FEET TO THE NORTHEAST CORNER OF LOT 25, THORNWOOD; THENCE ALONG THE NORTH LINE OF LOTS 25, 24, AND 23, THORNWOOD N 89°41'35" W 141.17 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF LOTS 23 AND 22, THORNWOOD N 50°53'55" W 76.59 FEET; THENCE ALONG THE EAST LINE OF LOTS 21, 10, 9 AND THE EAST END OF SW WINTERVIEW DRIVE THORNWOOD, THE FOLLOWING THREE COURSES AND DISTANCES, N 02°30'56" W 55.00 FEET, N 09°22'04" W 84.19 FEET, N 00°18'25" E 137.70 FEET TO THE POINT OF BEGINNING.

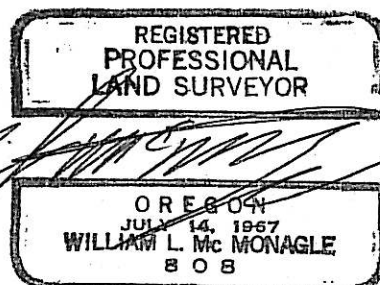
CONTAINING: 1.74 ACRES INCLUDING THE SOUTH 20 FEET OF SW BULL MOUNTAIN ROAD.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS THE EAST LINE OF LOT 9 OF THE DULY RECORDED PLAT OF THORNWOOD.

ANNEXATION CERTIFIEDBY FDR

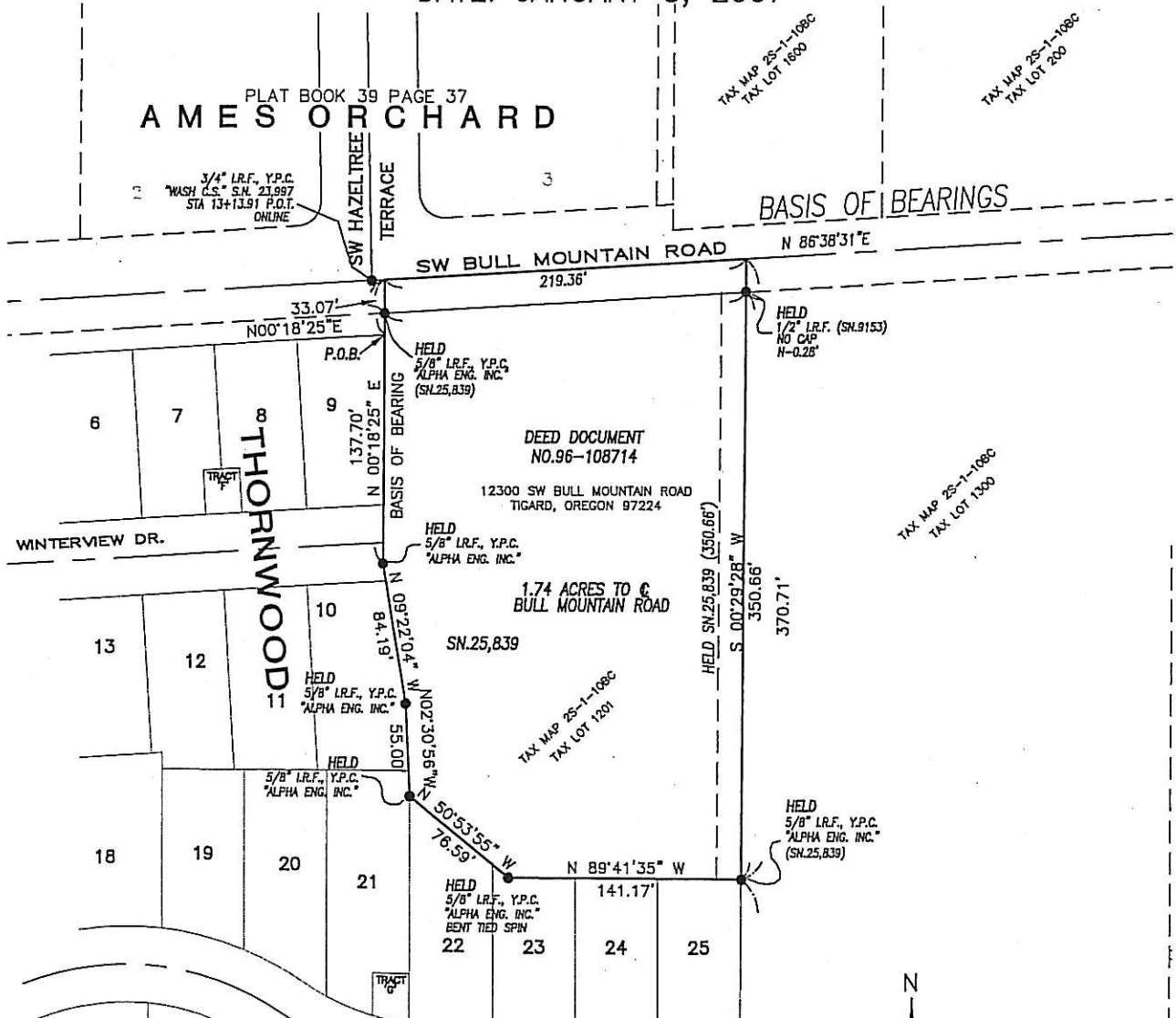
MAR 19 2007

WASHINGTON COUNTY A & T
CARTOGRAPHY

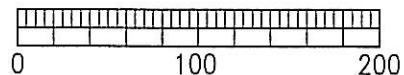
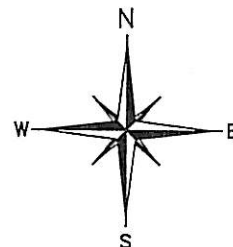


ANNEXATION EXHIBIT
TAX MAP 2S 1 10 BC TAX LOT 1201
12300 SW BULL MOUNTAIN ROAD
1.64 ACRES TO SOUTH RIGHT OF WAY
OF SW BULL MOUNTAIN ROAD
DATE: JANUARY 5, 2007

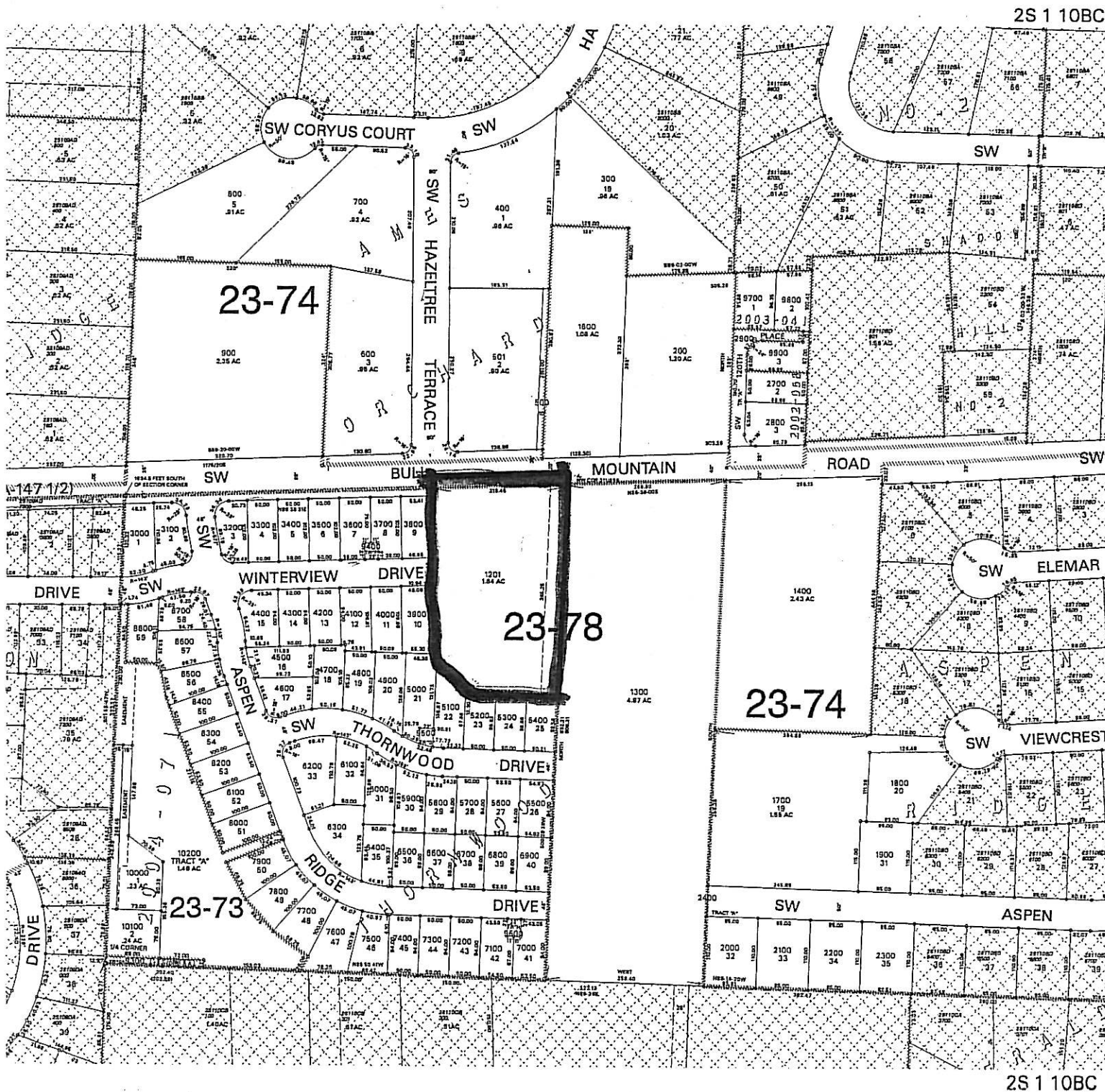
PLAT BOOK 39 PAGE 37
AMES ORCHARD



LEGEND:
P.O.B. POINT OF BEGINNING

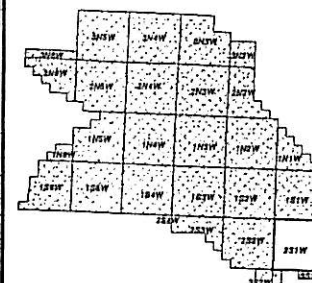


SCALE: 1"=100'



2S 1 10BC

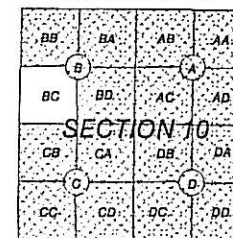
2S 1 10BC



WASHINGTON COUNTY OREGON
SW 1/4 NW 1/4 SECTION 10 T2S R1W W.M.
SCALE 1" = 100'

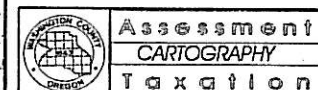
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25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	37
1	6	5	4	3	2	1	8

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S110BC
1500,2500,100,1000,1001,1100,1200,2600,8900,9000,9100, 9200,

ANNEXATION CERTIFIED
BY PRC
MAR 19 2007
WASHINGTON COUNTY A & T
CARTOGRAPHY



PLOT DATE: January 03, 2005
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

TIGARD
2S 1 10BC

EXHIBIT B

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

PO - Property Owner
RV - Registered Voter
OV - Property Owner & Registered Voter

PAGE ____ OF ____

[illegible]

Agenda Item: _____

Hearing Date: June 12, 2007 Time: 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: GOODLETT ANNEXATION
CASE NO: Zone Change Annexation (ZCA) ZCA2007-00002

APPLICANT/ OWNER:	Goodlett Marshall Building and Development Company Attn: Mike Goodlett PO Box 91551 Portland, OR 97291	APPLICANT'S REP:	Harris-McMonagle Associates Attn: Steve Bloomquist 12555 SW Hall Blvd. Tigard, OR 97223
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PROPOSAL: The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Property owner Goodlett Marshall Building and Development (Mike Goodlett) requests annexation of one parcel, with plans to divide it into 10 lots. One adjacent property was invited to join the annexation, but did not accept the invitation. The sole owner of the subject parcel has consented to the annexation. Note: All right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property is already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that overdescribes the proposed annexation area, Washington County has indicated that an overdescription is acceptable.

LOCATION: 12300 SW Bull Mountain Road (South side of SW Bull Mountain Road, adjacent to east side of the Thornwood subdivision, east of SW 125th Avenue); WCTM 2S110BC, Tax Lot 1201.

**CURRENT
ZONE:** R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet.

**EQUIVALENT
CITY ZONE:** R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses

are also permitted conditionally. Note: In a subdivision, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

**APPLICABLE
REVIEW**

CRITERIA: ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2007-00002) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390. Therefore, staff recommends APPROVAL of ZCA2007-00002 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

The 1.64-acre subject property is located on the south side of SW Bull Mountain Road, adjacent to the east side of the Thornwood subdivision near 128th Avenue. The property is mostly flat, sloping up about 8% before it flattens and then sloping down about 9%. There are no Significant Habitat Areas on the subject property per the City's adopted map. The existing house was built in 1952.

Goodlett Marshall Building and Development Company purchased the property in January 2007. Mike Goodlett, owner of the company, initiated the annexation request. There are no registered voters on the property. The City invited the owner of the one adjoining property to join the annexation, but did not receive a response.

The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Staff found all right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property to be already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that overdescribes the proposed annexation area, Washington County has indicated an overdescription is acceptable.

The owner plans to divide the parcel into 10 lots for single-family homes. If the annexation is approved, the owner would be required to apply for land use approval of the proposed subdivision. The subdivision would be required to extend the existing street connection (SW Winterview Drive) in the neighboring Thornwood subdivision to the west.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

City: Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

1. Chapter 18.320.020: Approval Process and Standards.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

The City of Tigard Comprehensive Plan's Urbanization Chapter (Policy 10.1.1) defines services as water, sewer, drainage, streets, police, and fire protection. Each service is addressed below.

Policy 10.1.1 further defines capacity as "adequate capacity, or such services to be made available," to serve the parcel "if developed to the most intense use allowed," and "will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard."

Water – City of Tigard. Tigard Water District currently serves the subject property. Upon annexation, City of Tigard will be the provider. The applicant has submitted a letter dated November 29, 2006, from Rob Murchison, Engineer in the Public Works Department, indicating that the City of Tigard is able to provide the minimum State of Oregon service requirements for the subject property if it were developed to the maximum density (10 lots). Water is available in quantity and quality for domestic use as determined by the Oregon Health Division, Department of Human Resources. Currently the site is served by a 12-inch water line located in SW Bull Mountain Road and an 8-inch water line located in SW Winterview Drive.

Sewer – Clean Water Services/City of Tigard. Upon annexation, the City of Tigard will be the provider of sewer service. According to pre-application notes prepared by Kim McMillan, City of Tigard Engineering Manager, the proposed territory would have access to an 8-inch sanitary sewer line in SW Winterview Drive and SW Thornwood Drive. If the subject property develops, the development must connect to public sanitary sewer. It will be the developer's responsibility to extend the public sewer to serve the development and adjacent unserved properties.

Drainage – Clean Water Services/City of Tigard. Upon annexation, the City of Tigard will be the provider of storm drainage. The proposed territory has access to a City storm line in SW Winterview Drive and SW Thornwood Drive. If the subject property develops, it will be required to connect to the public drainage system. According to pre-application notes prepared by Kim McMillan, City of Tigard Engineering Manager, on-site detention would also be required.

Streets – City of Tigard Capital Construction & Transportation Division. The subject property is located on SW Bull Mountain Road in an area where there is an existing street pattern. Thornwood subdivision to the west contains a City street connection to which the subject property may connect if it develops. The developer would be required to construct street improvements on SW Bull Mountain Road and any streets within the subdivision.

Police – City of Tigard Police Department. The City of Tigard Police Department reviewed the proposal and has no objections to it.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. TVF&R currently serves the subject property and will continue to serve it after it is annexed.

Based upon this review, staff finds that all public services (as defined by the Comprehensive Plan) are available to the proposed annexation territory and all public services have sufficient capacity to provide service to the proposed annexation territory.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

Three Comprehensive Plan policies apply to the proposed annexation: 2.1.1, 10.1.1., and 10.1.2. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Policy 2.1.1: Citizen Involvement. The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on April 27, 2007: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the vicinity of the proposed territory on SW Bull Mountain Road. The City published notice of the hearing in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 and June 7, 2007) prior to the June 12, 2007, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on May 24, 2007). In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on May 23, 2007, including former members of Citizen Involvement Team West. Staff finds that this policy is met.

Policy 10.1.1: Urbanization. Prior to the annexation of land to the City of Tigard, a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, adequate service is available to the proposed annexation territory. Upon annexation, the subject property will be zoned R-7, a Medium-Density Residential zone, with a minimum lot size of 5,000 square feet. The most intense use of the proposed territory is estimated to be 11 residential lots¹. However, the applicant proposes 10 lots based on a preliminary design.

If the subject property develops, it will be required to connect to public service facilities, such as sewer, storm drainage and water, and provide the necessary street improvements. Based on findings by the applicant and City staff, there is adequate capacity to serve the annexation area (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use permitted, and it will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

Staff concludes that there is adequate capacity to serve the proposed territory (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use permitted, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: 1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply. No capital improvements program requires a nonremonstrance agreement for this area. Some urban services are already available for the proposed annexation territory; others are available nearby and would require connections from the proposed annexation area. However, these public facility requirements may be assigned as part of any development review when an application is submitted.

¹ Using formula for density calculation in Chapter 18.715 of the Development Code.

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The proposed territory is within the Tigard Urban Planning Area and within the City's Urban Growth Boundary. Upon annexation, urban services will be provided as outlined in the Washington County-Tigard Urban Planning Area Agreement, Tigard Urban Services Agreement and current City policies. Staff finds that this policy is met.

Policy 10.1.2: Urbanization. Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The annexation can be accommodated by the services listed in 10.1.1(a).

- a) The proposed annexation territory is part of a pocket of unincorporated territory. Therefore, the proposed annexation would help reduce a pocket of unincorporated territory.
- b) The proposed annexation will not create an irregular boundary that will make it difficult for the police to locate a parcel in an emergency situation. By reducing a pocket of unincorporated territory, the City's boundary will become more regular.
- c) The City of Tigard Police Department has commented and has no objections to the proposed annexation.
- d) The *UPAA (2006)* includes the proposed annexation territory within Tigard's Area of Interest. The proposed annexation territory is contiguous to the City on three sides, where it abuts SW Bull Mountain Road to the north and Thornwood subdivision to the west and east.
- e) Lastly, as section 10.1.1.(a) demonstrated, the annexation can be accommodated by the following services: water, sewer, drainage; streets; police; and fire protection.

Items a through e have been met. Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

Policy 10.1.3: Urbanization. Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Section 18.320.020.C of the Community Development Code provides specifics on this conversion. See Table 18.320.1 on the following page.

**TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial■

The subject property is zoned R-6 by Washington County. Table 320.1 summarizes the conversion of the County's plan and zoning designations. R-6 County zoning converts to the City's R-7 zoning. As this is a Zone Change Annexation (ZCA) application, upon approval and execution of the proposed annexation, the proposed territory will automatically convert to R-7 zoning. In addition, the City's Comprehensive Plan designation for medium-density residential will be applied to this area.

Chapter 18.320.020

C. Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, the City of Tigard R-7 zoning district is the most similar to Washington County's R-6 zoning district. The subject property is currently R-6 and will automatically become R-7 upon annexation. This zone conversion will occur concurrently with the annexation process. There have been no requests for zoning other than R-7.

City of Tigard Community Development Code

2. Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which

were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 10 days prior to the hearing by mail and to publish newspaper notice; the City mailed notice on May 24, 2007, and published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 & June 7, 2007) prior to the June 12, 2007, public hearing.

Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:
1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and therefore is in compliance with state planning goals.

2. Any federal or state statutes or regulations found applicable;

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The sole owner of land within the proposed territory has signed a petition for annexation to the City. The proposed annexation territory is contiguous to the City's boundary on three sides.

The City published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 & June 7, 2007) prior to the June 12, 2007, public hearing and posted the hearing notice at four public places on April 27, 2007: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the vicinity of the proposed territory on SW Bull Mountain Road. Staff finds that the provisions of ORS 222 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Note that the report is available 15 days before the hearing (May 25, 2007 for a June 12, 2007, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) &(d)) have been met based on the following findings:

Metro 3.09.040 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available to the affected territory.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, *UPAA (2006); and TUSA (2006)*.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth

goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*UPAA (2006)* and *TUSA (2006)*). The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The proposed territory will remain within Washington County but will be required to be withdrawn from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District and the Tigard Water District upon completion of the annexation.

(5) The proposed effective date of the decision.

The public hearing will take place June 12, 2007. If the Council adopts findings to approve ZCA2007-00002, the effective date of the annexation will be 30 days later on July 12, 2007.

Metro Code 3.09.040 (d)

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

As addressed previously in this application, the proposed annexation complies with all applicable provisions of urban service provider agreements (*UPAA (2006)* and the *TUSA (2006)*). The proposed annexation is in the Area of Interest and Urban Service Area, which are subject to the *UPAA* and *TUSA*. The agreements state that the County and City will be supportive of annexations to the City. Therefore, the proposed annexation is consistent with these agreements.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The *UPAA (2006)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the *UPAA*, providing Washington County with 45-day notice prior to the public hearing. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City." The annexation proposal is consistent with this agreement.

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

This criterion was addressed under Metro Code 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

5. Whether the proposed change will promote or not interfere with the timely, orderly and

economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the *TUSA (2006)*, which ensures the timely, orderly, and efficient extension of public facilities and urban services; it is contiguous to existing city limits and services; and lastly, urban services are available to the proposed annexation territory and have not been found to significantly reduce existing service levels.

6. The territory lies within the Urban Growth Boundary; and

The proposed territory is within Metro's Urban Growth Boundary.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

In previous sections, this report reviewed the proposal's consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 19.390.060)

4. Any applicable comprehensive plan policies; and

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

5. Any applicable provisions of the City's implementing ordinances.

There are no specific implementing ordinances that apply to this proposed annexation. The Development Code (Chapter 18 of the City Code) will apply to the proposed territory if or when it develops.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Public Works Department reviewed the proposal and has not provided any comments to staff. With regard to water service and availability, the applicant has provided a letter from Public Works dated November 29, 2006. The letter has been discussed previously in this staff report and has been included in the land use file ZCA2007-00002.

The City of Tigard Police Department has reviewed the proposal and did not have any comments or objections.

The City of Tigard Engineering Department was provided the opportunity to comment, but did not comment.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue, which currently serves the proposed territory, has been given the opportunity to comment, but did not comment.

The City received comments from **Tualatin Valley Water District (TVWD)**, which has indicated that the subject property is not within the TVWD service area.

SECTION IX. PUBLIC COMMENTS

The City mailed notice surrounding property owners within 500 feet and all interested parties on May 31, 2007. As of the date of this report, staff has not received any written comments.


PREPARED BY: Emily Ong
Assistant Planner

5/25/2007
DATE


REVIEWED BY: Richard Bewersdorff
Planning Manager

5/25/2007
DATE